IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2421 OF 2005

Shri Raju Ramesh Shinde ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr.Prakash D.Gharge for Applicant.

Mr.A.S.Gadkari, A.P.P. for Respondent.

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CORAM: A.M.KHANWILKAR, J.

APRIL 27, 2005.

P.C.

1. Heard Counsel for the parties. Perused the record.

2. As there is enough material to indicate the complicity of the Applicant in the commission of the crime, I see no reason to depart from the conclusion reached by the Court below in rejecting prayer for bail of the present Applicant.

3. The Applicant has been arrested on the

spot. Subsequently, Applicant led to recovery of chain, which was snatched from the Complainant. Assuming that it is open to the Applicant to criticise the recovery, the fact remains that the Applicant has been arrested on the spot and found with the co-accused at the relevant time.

4. The involvement of the Applicant is writ large from the record, for which reason, by virtue of Section 391 read with Section 395, the Applicant is vicariously liable, although snatching of chain is attributable to co-accused Kishan.

5. Insofar as the present Applicant is concerned, he was arrested on the spot and he disclosed his name as Ramesh Ramchandra More, which is not his true name. Even giving some benefit to the Applicant for having disclosed false name, out of fear, there is evidence on record to indicate that the Applicant was tried for similar offences in the past and has suffered conviction in three cases and was sentenced to imprisonment which has already been suffered by him. After completing sentence in those criminal cases, when he was

released, the Applicant engaged himself in other criminal cases registered against him at Manikpur and Bhandup Police Stations respectively.

6. In fact, the present offence is committed by the Applicant, which took place within the jurisdiction of Nalasopara, District Thane, while the Applicant was suffering order of externment passed at the instance of Mulund Police Station, which was operating for two years, with effect from 5th February 2003, prohibiting entry of the Applicant in Thane District, whereas, the offence was committed on 22nd April 2003. Hence, this Application deserves to be rejected. Dismissed.

7. As prayer for bail is rejected, Sessions Court, Thane, is directed to assign the case to the Fast Track Court, if already not done, to ensure early disposal of the trial.

8. In case, it is not possible to assign the case to the Fast Track Court for any reason whatsoever, the Trial Court shall ensure that the trial is concluded expeditiously within six months

from the date of receipt of writ of this Court.

A.M.KHANWILKAR, J.